

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: JANUARY 22, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-32490 - APPLICANT: CASH AMERICA  
INTERNATIONAL, INC. - OWNER: DALE DOWERS**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:

**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Pawn Shop use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**January 22, 2009 - Planning Commission Meeting**

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a 5,000 square-foot Pawn Shop with a Waiver to allow a zero-foot distance separation from residentially zoned property where 200 feet is the minimum required at 8680 West Cheyenne Avenue.

A minimum distance separation of 200 feet is required by Title 19.04 to provide a buffer between residentially zoned property and the Pawn Shop use, which is neither compatible nor harmonious with the residential use. Therefore, due to the request for zero-foot distance separation from residentially zoned property, staff cannot support this application and is recommending denial of the Special Use Permit.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
12/20/95	The City Council approved a request for Rezoning (Z-0087-95) from N-U (Non-Urban) to C-1 (Limited Commercial) for a proposed 66,400 square-foot two-story office complex on property located on the north side of Cheyenne Avenue, approximately 660 feet east of El Capitan Way. The Planning Commission recommended approval.
01/22/97	The City Council approved a request for an Extension of Time [Z-0087-95(1)] for an approved 66,400 square-foot office complex under Resolution of Intent to C-1 (Limited Commercial) on property located on the north side of Cheyenne Avenue, approximately 660 feet east of El Capitan Way.
06/25/96	The Board of Zoning Adjustment approved (final action) a request for a Special Use Permit (U-0055-96) for a 48,657 square-foot single-story convalescent care facility on the north side of Cheyenne Avenue approximately 1,355 feet west of Durango Drive.
04/28/97	The City Council approved a request to amend (GPA-0013-97) a portion of the Northwest Amendment to the General Plan from SC (Service Commercial) to PF (Public Facilities) and a Rezoning (Z-0022-97) from N-U (Non-Urban) and N-U (Non-Urban) under Resolution of Intent to C-V (Civic) to C-V (Civic) on property generally located west of Durango Drive and North of Cheyenne Avenue. The Planning Commission recommended approval.

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06/01/05	The City Council approved a request to amend (GPA-6318) a portion of the Centennial Hills Sector Plan of the General Plan from PR-OS (Parks/Recreation/Open Space) to SC (Service Commercial), approved a request for a Rezoning (ZON-6324) from C-V (Civic) to C-1 (Limited Commercial), and approved a request for a Site Development Plan Review (SDR-6331) for a proposed 40,000 square-foot two-story office building and two 5,000 square-foot single-story retail buildings on 4.22 acres adjacent to the north side of Cheyenne Avenue, approximately 665 feet east of El Capitan Way. The Planning Commission recommended approval of all applications.
03/22/07	The Planning Commission approved (final action) a Tentative Map (TMP-19684) for a one-lot commercial subdivision on 4.22 acres at 8660 through 8690 West Cheyenne Avenue.
02/06/08	The City Council approved a petition to Vacate (VAC-25329) U.S. Government Patent Easements generally located north of Cheyenne Avenue, approximately 1,315 feet west of Durango Drive. The Planning Commission recommended approval.
<b><i>Related Building Permits/Business Licenses</i></b>	
01/23/02	A business license (#Q07-00980) was issued for a dental firm at 8670 West Cheyenne Avenue, Suite #205. The business license is active.
04/11/02	A business license (#C18-00015) was issued for a credit union at 8660 West Cheyenne Avenue, Suite #110. The business license is active.
04/20/06	A building permit (#06002897) was issued for on-site improvements for building "A," "B," and "C." The permit expired on 10/21/06.
04/20/06	A building permit (#06002894) was issued for shell building "A" at 8680 West Cheyenne Avenue. The permit was re-newed on 07/02/08 and finaled on 07/09/08.
04/20/06	A building permit (#06002895) was issued for shell building "B" at 8660 West Cheyenne Avenue. The permit was re-newed on 07/02/08 and finaled on 07/09/08.
04/20/06	A building permit (#06002896) was issued for shell building "C" at 8670 West Cheyenne Avenue. The permit was finaled on 10/17/08.
04/20/06	A building permit (#06002898) was issued for three sheltered trash enclosures at 8660 West Cheyenne Avenue. The permit was re-newed on 12/22/06 and expired on 06/30/07.
07/07/06	A building permit (#06004543) was issued for on-site water and sewer at 8680 West Cheyenne Avenue. The permit expired on 07/14/07.
08/10/07	A building permit (#07002493) was issued for sign (tag #09989) at 8690 West Cheyenne Avenue. The permit was re-newed on 04/08/08 and finaled on 10/13/08.

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09/20/07	A building permit (#93326) was issued for a 2,500 square-foot tenant improvement at 8660 West Cheyenne Avenue, Suite #110. The permit was finalized on 10/13/08.
11/20/07	A building permit (#7003204) was issued for a tenant improvement for a certificate of occupancy at 8670 West Cheyenne Avenue, Suite #205. The permit was finalized on 10/23/08.
06/03/08	A building permit (#08000208) was issued for a wall sign (tag #10555) at 8660 West Cheyenne Avenue, Suite #110. The permit was finalized on 07/31/08.
06/09/08	A building permit (#08000214) was issued for a single-face 43 square-foot sign with channel letters at 8670 West Cheyenne Avenue, Suite #205. The permit expired on 12/06/08.
10/02/08	A business license (#T12-00126) was issued for an answering service at 8670 West Cheyenne Avenue, Suite #120. The business license is active.
10/02/08	A business license (#B20-01529) was issued for virtual office space at 8670 West Cheyenne Avenue, Suite #120. The business license is active.
<b><i>Pre-Application Meeting</i></b>	
11/25/08	A pre-application meeting was held where the submittal requirements for a Special Use Permit were discussed.
<b><i>Neighborhood Meeting</i></b>	
01/12/09	The applicant has scheduled a non-required neighborhood meeting to be held at 6:00 pm at the Durango Hills Community Center YMCA located at 3521 North Durango Drive.
01/12/09	<p>A non-required neighborhood meeting was held at 6:00 p.m. at the Durango Hills Community Center YMCA at 3521 North Durango Drive. Two representatives for the applicant were present, along with one representative from the Department of Planning and Development. Three members of the public attended with the following concerns:</p> <ul style="list-style-type: none"> <li>● At least one person definitely opposed.</li> <li>● Decreasing property values, crime.</li> <li>● Applicant stated guns in not out.</li> </ul> <p>The meeting concluded at 6:40 p.m.</p>

<b><i>Field Check</i></b>	
12/24/08	Staff performed a routine field check where it was noted that the actual address of the building was 8680 West Cheyenne Avenue.
<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	4.58

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Golf Course	PR-OS (Parks/Recreation/Open Space)	C-V (Civic)
South	Single-Family Residences	ML (Medium Low Density Residential)	P-C (Planned Community)
East	Mini-Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
West	Multi-Family Residences	ML (Medium Low Density Residential)	R-PD9 (Residential Planned Development – 9 Units per Acre)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>	X		Y
Centennial Hills Sector Plan	X		Y
Northwest Open Space Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails – Pedestrian Path</b>	X		Y
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail Store, Other Than Listed (3500 Square Feet or More)	5,000 SF	1:250	20	1	205	8	Y
Office, Other Than Listed	41,147 SF	1:300	131	3			

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Office, Medical or Dental	5,000 SF	1:200 up to 2,000 square feet, plus one space for each additional 175 square feet.	27	2			
Pawn Shop	5,000	1:250	20	1			
<b>SubTotal</b>			198	7	205	8	
<b>TOTAL</b>			205		213		

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
Zero-foot distance separation from residentially zoned property.	200 Feet	Denial

## ANALYSIS

This is a request for a Special Use Permit for a proposed 5,000 square-foot Pawn Shop with a Waiver to allow a zero-foot distance separation from residentially zoned property where 200 feet is required at 8680 West Cheyenne Avenue.

- **Addressing**

The application submitted lists 8668 West Cheyenne Avenue as the subject sites address. During a routine field check it was noted by staff that the building was addressed as 8680 West Cheyenne Avenue. The Department of Planning and Development has assigned this building the address of 8680 West Cheyenne Avenue with suite numbers 110 through 140 for the four available suites. The proposed Pawn Shop will occupy the entire building (5,000 square feet) with an assigned address of 8680 West Cheyenne Avenue.

- **Zoning**

The subject property is designated SC (Service Commercial) under the Las Vegas 2020 Master Plan. The SC (Service Commercial) land use classification allows for low to medium intensity retail, office or other commercial uses that serve primarily local area patrons and that do not include more intense general commercial characteristics.

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The subject site is zoned C-1 (Limited Commercial). The C-1 (Limited Commercial) District is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) District is consistent with the SC (Service Commercial) category of the General Plan. The proposed use is allowable in a C-1 (Limited Commercial) zoning district with a Special Use Permit.

- **Use**

The proposed use as a Pawn Shop requires a Special Use Permit within the C-1 (Limited Commercial) zone. If approved, this application for a Special Use Permit would fulfill that requirement.

Title 19.04 defines a Pawn Shop as:

A facility (other than a bank, savings and loan or mortgage banking company) used for the business of lending money on the security of pledged goods or for the business of the purchase of tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

- **Minimum Special Use Permit Requirements**

Title 19.04.050 lists the following Minimum Special Use Permit Requirements for a Pawn Shop:

- \*1. The use shall comply with the applicable requirements of LVMC Chapter 6.60.
- \*2. No outdoor display, sales or storage of any merchandise shall be permitted.
- \*3. No pawn shop shall be located on either side of Fremont Street or on Las Vegas Boulevard South between Charleston Boulevard and Sahara Avenue.
4. No pawn shop use may be located closer than 200 feet from any parcel used or zoned for residential use. In addition, no pawn shop use may be located closer than 1,000 feet from any other pawn shop use or specified financial institution use. For purposes of this Regulation 4, distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to property lines of fee interest parcels and not leasehold parcels.

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The proposed Pawn Shop use fails to meet Condition number 4 as the subject site shares a parcel line with property to the west that is zoned R-PD9 (Residential Planned Development – 9 Units per Acre). Distance is measured property line to property line making it zero feet from residentially zoned property where a 200-foot distance separation is required. The applicant has requested a Waiver from this condition. As part of this application for a proposed Pawn Shop fails to comply with the Minimum Special Use Permit Requirements of Title 19.04; staff recommends denial of this application.

## **FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The applicant has requested a Waiver of the Title 19.04 distance separation requirement between the use and residentially zoned property. Due to the zero-foot distance separation from residentially zoned property, staff finds the use is unable to operate in a harmonious and compatible fashion with the existing surrounding land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is not physically suitable for the type of use, as Title 19.04 requires “No pawn shop use may be located closer than 200 feet from any parcel used or zoned for residential use.” The proposed site shares a parcel line with property zoned R-PD9 (Residential Planned Development – 9 Units per Acre) creating a zero-foot separation where 200 feet is required. Staff finds the proposed site inappropriate for the use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The subject site has access to Cheyenne Avenue, which is designated a 100-foot Primary Arterial by the Master Plan of Streets and Highways. Cheyenne Avenue has more than adequate capacity to meet the additional traffic that the proposed use would generate.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

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The proposed use will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.

**5. The use meets all of the applicable conditions per Title 19.04.**

The use fails to meet condition number 4 set forth for the use by Title 19.04. Title 19.04 requires a 200-foot distance separation between the proposed use and residentially zoned property where zero feet is provided. This Waiver request indicates that the subject site is not a suitable location for the proposed use; therefore denial of this request is recommended.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 37

**SENATE DISTRICT** 6

**NOTICES MAILED** 399

**APPROVALS** 0

**PROTESTS** 7